

BILL ANALYSIS

Senate Research Center
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S.B. 1030
By: Shapleigh et al.
Veteran Affairs & Military Installations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to an in-depth study released by the RAND Corporation in April 2008, because of extensive time in combat for today's soldiers returning from Iraq or Afghanistan, almost one in five soldiers have symptoms of traumatic brain injury (TBI), post-traumatic stress disorder (PTSD) and/or major depression—nearly four times the rate for soldiers before deployment as well as the rate for the general population.

So far, 1.64 million troops have been deployed for Operation Enduring Freedom and Iraqi Freedom (OEF/OIF) in Afghanistan and Iraq. Applying the percentages from the RAND Corporation study, approximately 300,000 of the OEF/OIF military and veterans are suffering from PTSD, another 320,000 are suffering from TBI, and another 300,000 are suffering from major depression.

Of great concern is that only half of these soldiers have sought treatment. If left untreated these illnesses impair health conditions, work productivity, and family and social relationships. The costs of medical treatment and associated loss of productivity is estimated to be over \$6 billion in just the two years following deployment.

Currently, military and veterans receive care through the federal government (i.e., the Department of Defense and Department of Veterans Affairs). However, many afflicted individuals do not seek care, and the majority of those who received care did not receive effective or a high quality of care.

As proposed, S.B. 1030 creates the Texas Servicemembers Assistance Program. The program establishes a 24-hour toll-free telephone hotline for servicemembers and their family members to get assistance, including diagnostic screening services for PTSD or TBI. Servicemembers would be referred to the Texas Veterans Commission for any state and federal benefits that they might qualify for. Certain servicemembers may receive referral to a local mental health authority for additional needed treatment.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of the Health and Human Services Commission in SECTION 3, of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 431, Government Code, by adding Section 431.0186, as follows:

Sec. 431.0186. SCREENING FOR TRAUMATIC BRAIN INJURY. (a) Requires the adjutant general to require each member of the Texas National Guard who served during Operation Enduring Freedom or Operation Iraqi Freedom to be screened for traumatic brain injury.

(b) Requires the adjutant general to assist a member of the Texas National Guard who tests positive for traumatic brain injury (TBI) in obtaining appropriate medical care.

SECTION 2. Amends Chapter 1001, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. PROGRAMS

Sec. 1001.101. TEXAS SERVICEMEMBERS ASSISTANCE PROGRAM. (a) Defines "post-traumatic stress disorder" (PTSD), "servicemember," "state military forces," and "traumatic brain injury."

(b) Requires the Department of State Health Services (DSHS) to establish the Texas Servicemembers Assistance Program (program).

(c) Requires the program to:

(1) include a 24-hour, toll-free telephone hotline through which a servicemember or a family member of a servicemember is authorized, without regard to whether the servicemember qualifies for services under the program, to obtain telephone counseling and information about mental health conditions that are likely to affect the servicemember, including TBI and PTSD;

(2) provide TBI screening to all interested servicemembers, especially those returning from Operation Enduring Freedom and Operation Iraqi Freedom;

(3) provide servicemembers with additional diagnostic review and treatment for PTSD or TBI, including peer-based counseling, psychotherapy, prescriptions for behavioral health pharmaceuticals, intensive outpatient services, and physical therapy, speech therapy, and occupational therapy services;

(4) make a referral to a local mental health authority designated under Section 533.035 (Local Mental Health and Mental Retardation Authorities) if a health care provider determines that a servicemember requires further treatment for a TBI or other mental health conditions; and

(5) provide referrals to the Texas Veterans Commission for assistance in applying for applicable state and federal benefits.

(d) Requires that a local mental health authority designated under Section 533.035 provide treatment for a TBI or other mental health condition of any servicemember referred to the authority by DSHS.

(e) Requires a servicemember, to qualify for services under the program, to meet certain criteria.

(f) Requires a servicemember who does not meet the eligibility requirements for services under the program be referred to an appropriate service provider for follow-up care.

(g) Requires an eligible servicemember, to receive services under the program, to enroll in the program. Authorizes the servicemember, following expiration of the term of a servicemember's enrollment in the program, to reenroll for services under the program if DHS or its designee determines that the servicemember continues to qualify for treatment for PTSD or TBI.

(h) Authorizes a family member of an enrolled servicemember to receive counseling services, appropriate training, and other appropriate services under the program.

(i) Requires a person providing services to a servicemember or a family member of a servicemember under this section to keep information obtained in rendering the services confidential and prohibits the person from disclosing medical or other related information regarding the servicemember to the United States (U.S.) armed forces, a U.S. Department of Veterans Affairs benefits claim entity, or the state military forces unless directed to do so by the servicemember.

SECTION 3. Requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2010, to adopt rules necessary to administer Section 1001.101, Health and Safety Code, as added by the Act.

SECTION 4. Effective date: upon passage or September 1, 2009.